

U.S. and California Reach Pact To Regulate Flow of Fresh Water

By JOHN H. CUSHMAN Jr.
Special to The New York Times

WASHINGTON, Dec. 15—California and the Federal Government signed an agreement today on how to protect the water and the wildlife of the San Francisco Bay and its vast inland delta, resolving stubborn conflicts that for years had divided the region's farmers, city dwellers and conservationists.

Concluding a year of negotiations that had continued right up to a final court-ordered deadline, the two sides produced a far-reaching pact and turned a confrontation between a recalcitrant state and a determined Federal overseer into a compromise embraced by all sides.

The agreement is intended to preserve a vast but ecologically fragile estuary that holds the aquatic lifeblood of central California. If it succeeds in halting the watershed's prolonged environmental decline, it may prove to be a notable achievement in the Clinton Administration's effort to manage whole ecosystems rather than regulate one industry and one species at a time.

The arrangement establishes limits on how much fresh water can be diverted from the estuary to agriculture and cities, an effort to protect endangered fish species by insuring that the young fish survive their migrations and that their breeding grounds do not become too salty for survival.

Although both farmers and cities are expected to give up significant amounts of water under the plan, the agreement does not set forth exactly how much water, within the limits set today, will flow to which users. That kind of detail will be left to state and local officials to work out later.

Farmers will face the greatest costs year in and year out, while cities will feel the effects in mostly

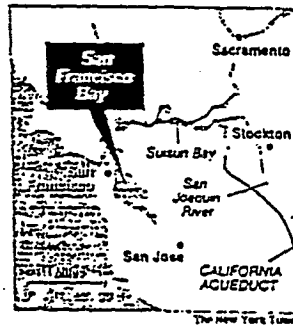
dry years, officials said. Commercial and recreational fisheries, they said, stand to gain economically.

Unlike plans for other ecosystems, like the old-growth forests of the Pacific Northwest or the Everglades in South Florida, which have met with widespread hostility, the plan for the Californian estuary was praised today by state officials and by representatives of the region's business, agriculture and environmental groups.

"I think that this is a model for the country," Carol M. Browner, the Federal Environmental Protection Administrator, said at the signing ceremony in Sacramento. "You can do it. It took a lot of patience, a lot of listening and a lot of communication."

Gov. Pete Wilson, who criticized the Clinton Administration last year over its initial plan for the estuary, heaped praise on the agreement.

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An agreement on protecting water and wildlife near San Francisco resolves conflicts among farmers, city dwellers and conservationists.

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calling it "a major victory of consensus over confrontation." Flanked by Administration officers, state and local officials, environmentalists and agricultural representatives, he joked, "We are lacking only Yasir Arafat and Yitzhak Rabin." At issue is a watershed so thick with man-made plumbing that it can supply two-thirds of the state's water needs, the aqueducts running hundreds of miles to the region's farms and cities.

The delta is the source of drinking water for 20 million people. It also irrigates 200 different crops, including 45 percent of the nation's fruits and vegetables.

But the delta also harbors more than 120 species of fish. And when fresh water running toward the bay is diverted to cities and farms, salt water invades the 1,600-square-mile estuary, which extends east from San Francisco Bay nearly to Sacramento. Some fish species have been brought to the brink of extinction as

Bickering yields to praise for protection of a vital estuary.

the water quality has declined, and efforts to resolve the problem have been paralyzed by fights over the precious water among interest groups.

A year ago, under legal pressure from environmental groups complaining that the state had failed to enforce the Federal Clean Water Act, four Federal agencies stepped in and said they would impose a water quality plan on the whole region. They spelled out their proposal and said it would take effect no later than today.

But urban water managers and rural agricultural interests both believed that the initial Federal plan would set aside too much water for the estuary, worsening what the farmers like to call a "regulatory drought."

Resistance also came from the State of California.

Usually the states routinely set water quality standards for Federal approval under the Clean Water Act. But Governor Wilson had balked at doing so, citing problems posed by another Federal law, the Endangered Species Act, that he said made the task impossible. Indeed, Administration officials had feared right up to the end that Governor Wilson, viewed as a possible Republican Presidential contender, would continue to fight them.

But in the last 12 months, Federal and state officials have re-negotiated the initial plan, with the Administration agreeing to reduce the water reserved for environmental reasons. In the end, they whittled down that amount by about a fifth, from 500,000 to 400,000 acre feet in a year with normal rainfall. An acre foot is about 326,000 gallons, enough to keep two typical households supplied for a year.

The negotiators managed to make the reduction by asking scientists to come up with a new approach for calculating how much fresh water

would be needed to reach the desired salinity. The new measure, based on monthly measurements instead of rough annual estimates, is more accurate and more flexible, an official said.

They also agreed on ways of protecting fish other than increasing the flow of fresh water, such as operating pumps differently at times of the year when the young fish are most vulnerable and erecting protective barriers near pumping stations where the fish might be killed.

In addition, the Fish and Wildlife Service has set aside critical habitat for protection to shelter the delta smelt, which is listed as a species threatened with extinction.

A turning point in the talks came this summer, when a group of California business leaders urged the negotiators to reach an agreement.

Today environmentalists praised the final plan. "President Clinton and Governor Wilson deserve equal credit for setting aside their political differences to embrace this agreement," said Tom Graff, a lawyer with the Environmental Defense Fund.

The New York Times

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